IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CIVIL ACTION NO. 5:14-CV-00195-RLV-DCK

ECLIPSE PACKAGING, INC., D/B/A)	
FLEXSOL PACKAGING,)	
)	
Plaintiff,)	
)	
v.)	FINAL JUDGMENT
)	
STEWARTS OF AMERICA, INC.,)	
)	
)	
Defendant.)	
)	

THIS ACTION HAVING COME BEFORE THE COURT, the Honorable Richard L. Voorhees, United States District Judge, presiding, by way of a jury trial held May 3, 2016 through May 5, 2016; as to COUNT I – BREACH OF EXPRESS WARRANTY; COUNT II – BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY; and COUNT III – BREACH OF IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE; and such claims having been submitted to the Jury for its consideration and decision, and the Jury having reached its VERDICT concerning the same,

IT IS ORDERED AND ADJUDGED that Judgment is hereby ENTERED in favor of Plaintiff, Eclipse Packaging, Inc., doing business as Flexsol Packaging (the "Plaintiff"), and against Defendant, Stewarts of America, Inc. (the "Defendant"), in the amount of FIVE-HUNDRED AND SIXTY-THREE THOUSAND AND ONE-HUNDRED AND EIGHTY-FOUR DOLLARS AND ONE CENT (\$563,184.01) in money damages;

IT IS FURTHER ORDERED AND ADJUDGED that the award of money damages be

set-off by the amount of SEVENTY-TWO THOUSAND AND FIVE-HUNDRED DOLLARS

AND ZERO CENTS (\$72,500.00), that amount representing a credit to the Defendant for the

Plaintiff's failure to mitigate its damages;

IT IS FURTHER ORDERED AND ADJUDGED that the award of money damages be

further set-off by the amount of ONE-HUNDRED AND THIRTY-TWO THOUSAND AND

FIVE-HUNDRED DOLLARS AND ZERO CENTS (\$132,500.00), that amount representing a

credit to the Defendant for the settlement between Plaintiff and former-defendant Industrial Brush

Co., Inc.;

IT IS FURTHER ORDERED AND ADJUDGED that, after all aforementioned set-offs

and credits, the Plaintiff shall recover money damages from the Defendant in the amount of

THREE-HUNDRED AND FIFTY-EIGHT THOUSAND AND ONE-HUNDRED AND

EIGHTY-FOUR DOLLARS AND ONE CENT (\$358,184.01);

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff be entitled to recover

from the Defendant: (1) its costs in this action; (2) pre-judgment interest, pursuant to N. C. Gen

Stat. §§ 24-1, 24-5(b) and applicable law; and (3) post-judgment interest, pursuant to 28 U.S.C. §

1961 and applicable law.

SO ORDERED.

Signed: May 11, 2016

Richard L. Voorhees

United States District Judge